

CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

**July 16, 2020**

Chairperson T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, J. Montgomery-Keast, F. Peterson, L. Spataro, B. Larson, S. Gawron

MEMBERS ABSENT: B. Mazade, excused; J. Doyle, excused, E. Hood, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: None

**APPROVAL OF MINUTES**

A motion to approve the Minutes of the special Planning Commission meeting of June 18, 2020 was made by F. Peterson, supported by L. Spataro and unanimously approved.

**PUBLIC HEARINGS**

Hearing, Case 2020-12: Staff-initiated request to amend section 2324 of the zoning ordinance to allow mobile food vending as a temporary use. M. Franzak presented the staff report. Staff would like to amend Section 2324 of the zoning ordinance, which allows for temporary buildings, structures and uses, to address mobile food vendors. Mobile food vending is allowed by Sec. 50-301 thru 50-304 of the City Ordinance; however, it was initially developed to allow food vendors in the City rights-of-way. Since its inception, it has mainly been utilized by vendors on private property. The City Commission has asked the Planning Commission to develop an ordinance that dictates where they may locate, their placement on site and how long they may be permitted. The proposed additions to Section 2324 are as follows:

*I. Mobile Food Vending: Mobile food vending options permitted by City Ordinance Sec. 50-301 thru 50-304 may be temporarily located in B-2, B-4, LR, WM, I-1, I-2 districts and all Form Based Code context areas except Urban Residential and Lakeside Residential; under the following conditions:*

*(1) Food trucks and trailers must be placed at least five feet away from any principal structure and at least three feet from any lot line. They may be placed on grass, pavement or in the parking lot, but may not impede proper vehicular flow on the site.*

*(2) Trash receptacles must be located on site.*

*(3) Permits for mobile food vending between 1 and 89 days will be reviewed administratively.*

*(4) Permits for mobile food vending between 90 days and one year will require the notification of all properties within 300 feet. If no concerns are received within 15 days, the permit application will be reviewed administratively. If there are concerns,*

*a public hearing at the Planning Commission will be required. Administrative and Planning Commission reviews must use the following review standards:*

- i. Will the use contribute to the vitality and experience of the business district?*
- ii. Will the use support or detract from existing brick and mortar establishments?*
- iii. Is there an appropriate separation distance between temporary and permanent uses so as to not impair the long-term viability of nearby businesses?*
- iv. Will the use add variety to the types of food or beverage offerings in the district or compete with area businesses in close proximity?*
- v. Will the proposed mobile food vendor contribute to the general aesthetic of the business district and include high quality materials and finishes?*

Staff recommends approval the proposed amendment and would like to add MC-Medical Care districts to the allowed areas, per the request of the City Commission. That would need to be added to the motion, if approved.

T. Michalski asked how this would affect vendors at events. M. Franzak stated that vendors working at events were covered under the umbrella of the Special Event Permit rather than being governed by this ordinance. J. Montgomery-Keast observed that there was no reference to seating, and some vendors brought their own picnic tables. M. Franzak stated that seating was not specifically mentioned in the ordinance, but it was not prohibited.

There were no public comments. A motion to close the public hearing was made by J. Montgomery-Keast, supported by L. Spataro and unanimously approved.

A motion that the request to amend Section 2324 of the zoning ordinance to allow mobile food vending as a temporary use in the following districts: B-2, B-4, LR, WM, I-1, I-2, MC, and all Form Based Code context areas except Urban Residential and Lakeside Residential, be recommended the City Commission for approval, was made by F. Peterson, supported by J. Montgomery-Keast and unanimously approved, with T. Michalski, J. Montgomery-Keast, F. Peterson, L. Spataro, B. Larson, and S. Gawron voting aye.

## **NEW BUSINESS**

Marihuana district expansion discussion. M. Franzak discussed a possible expansion of the marihuana districts, which staff had been considering. He explained the reasoning behind the original locations that were chosen, and pointed out that there had been substantial property improvements in those areas since the marihuana ordinance had been enacted. However, there was a lot of real estate speculation occurring in that area causing many people to be priced out of the market, and resulting in some properties being for sale at an inflated rate rather than being used for the purpose intended by the zoning. Staff was looking at other possible locations in the city which would allow the industry to expand while also improving other areas of town. M. Franzak described several locations being considered by staff and provided photos. Properties being considered were generally under-utilized and many were bordering on blight. Staff was looking for Planning Commission input before proceeding.

S. Gawron stated that he was familiar with the speculative issues in the current marihuana districts and questioned the likelihood of that happening as other properties were added. F. Peterson stated

that the variety of locations spread throughout the city should make that less likely to happen, especially at the level seen in the current districts. S. Gawron asked if there had been any discussion with people and businesses in the new neighborhoods being considered. F. Peterson stated that staff had wanted to get Planning Commission input first. L. Spataro stated that he would like to see marihuana regulated like alcohol, with marihuana establishments allowed throughout the city as bars were, rather than singling out specific areas as marihuana zones. He stated that doing that would ease the problem of speculation on specific properties. He observed that staff's proposal would help spread out the marihuana establishments throughout the city, and he had no objection to the addresses being proposed. F. Peterson discussed some of the positive effects that marihuana facilities were having in the community, and suggested that expansion of the districts was a good opportunity to get minority property owners involved in the industry. J. Montgomery-Keast asked if the buildings' owners were interested in converting to marihuana sales. F. Peterson stated that marihuana could be a catalyst tenant to spur development in some of these larger buildings, and some building owners had been urging the city to take action on social equity matters. L. Spataro stated that he was also in favor of getting more minority business owners involved. J. Montgomery-Keast stated that they needed to regulate the distance between marihuana establishments and schools or churches. Board members concurred that having marihuana business spread out was preferable to having them clustered in one location.

There being no further business, the meeting was adjourned at 4:45 p.m.

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